

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------|---|--------------|
| JEROME BELL, | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| | : | |
| v. | : | |
| | : | |
| | : | |
| ROBERT MEYERS 1, et al. | : | |
| Respondents | : | NO. 02-3824 |

O R D E R

AND NOW, this 29th day of October, 2004, upon consideration of the following: the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 of Jerome Bell; the Government's response thereto; the Report and Recommendation of United States Magistrate Judge Jacob Hart; and the Objection filed by Mr. Bell to the Report and Recommendation and Merritt v. Blaine, 326 F.3d 157 (3d Cir. 2003);

it is hereby ORDERED that:

- (1) The Objection to the Report and Recommendation is DENIED;
- (2) The Report and Recommendation is APPROVED and ADOPTED;
- (3) The petition for a writ of habeas corpus is DISMISSED AS UNTIMELY.

BY THE COURT:

GENE E. K. PRATTER
UNITED STATES DISTRICT JUDGE